

SECOND REGULAR SESSION

HOUSE BILL NO. 2010

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES CUNNINGHAM, HUNTER, MAYER, BARTLE, CROWELL, SHOEMAKER (8), REID, MOORE (Co-sponsors), KELLEY (47), REINHART, ROARK, NAEGER, QUINN, MARBLE, DOLAN, BYRD, HENDERSON, MILLER, BURTON, KELLY (144), HOHULIN, VOGEL, CRAWFORD, ROBIRDS, BERKSTRESSER, BEARDEN AND FROELKER.

Read 1st time February 20, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

4362L.03I

AN ACT

To repeal sections 168.106 and 313.820, RSMo, and to enact in lieu thereof six new sections relating to performance-based salary increases for public school teachers.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 168.106 and 313.820, RSMo, are repealed and six new sections
2 enacted in lieu thereof, to be known as sections 168.106, 168.745, 168.747, 168.749, 168.750,
3 and 313.820, to read as follows:

168.106. The contract between a school district and a permanent teacher shall be known
2 as an indefinite contract and shall continue in effect for an indefinite period, subject only to:

3 (1) Compulsory or optional retirement when the teacher reaches the age of retirement
4 provided by law, or regulation established by the local board of education;

5 (2) Modification by a succeeding indefinite contract or contracts in the manner
6 hereinafter provided;

7 (3) The death of the teacher;

8 (4) Resignation of the teacher with the written consent of the school board;

9 (5) Termination by the board of education after a hearing as hereinafter provided; [and]

10 (6) The revocation of the teacher's certificate; **and**

11 (7) **A decision by the teacher to follow the "Teacher Choice Compensation**
12 **Package" pursuant to sections 168.745 to 168.750 in a district and give up the right to an**
13 **indefinite contract.**

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

168.745. 1. There is hereby created the "Teacher Choice Compensation Package" to permit performance-based salary stipends upon the decision of the teacher as described in section 168.747, to reward teachers for objectively demonstrated superior performance.

2. There is hereby created the "Teacher Choice Compensation Fund" in the state treasury, to which the proceeds from the additional one-dollar boarding fee for excursion gambling boats described in section 313.820, RSMo, shall be transferred. The fund shall be administered by the department of elementary and secondary education.

3. The teacher choice compensation fund shall consist of all moneys transferred to it pursuant to this section, and all moneys otherwise appropriated to or donated to it. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. Any moneys in excess of the amount needed for full funding of the teacher choice compensation package shall be transferred at least annually to the school building revolving fund created in section 166.300, RSMo.

168.747. 1. To be eligible for the teacher choice compensation package, all classroom personnel reported as a code sixty through the core data system of the Missouri department of elementary and secondary education shall opt out of his or her indefinite contract pursuant to section 168.106 for the duration of employment with the district. A teacher may decide to end his or her eligibility for the teacher choice stipend but may not resume permanent teacher status with that district. A probationary teacher may opt out of consideration for a permanent contract in the second or subsequent years of employment by the district to participate in the teacher choice compensation package but may not return to permanent status in that district or resume the process for qualification for an indefinite contract in that district. A teacher who has chosen the teacher choice compensation package and changes employment to another district may choose to resume the process for qualification for an indefinite contract in that district or may choose to remain in the teacher choice compensation package of the new district.

2. Teachers shall qualify annually in October for the stipends described in section 168.749. Stipends shall be offered in five thousand dollar increments, up to fifteen thousand dollars, but shall not exceed fifty percent of a teacher's base salary, before deductions for retirement but including stipends for additional duties such as coaching, sponsoring, or mentoring. Any stipend received pursuant to section 168.749 shall be in addition to the base salary to which the teacher would otherwise be entitled. Teachers

20 receiving the stipend shall receive any pay and benefits received by teachers of similar
21 training, experience, and duties. Such stipends shall not be considered compensation for
22 retirement purposes.

23 **3. Subject to appropriation, the department of elementary and secondary education**
24 **shall make a payment to the district in the amount of the stipend, to be delivered as a lump**
25 **sum in January following the October of qualification. If the amount appropriated is not**
26 **enough to fund the total of five thousand dollar increment payments, the department may**
27 **prorate the payments.**

28 **4. Every person employed by the district in a teaching position, regardless of the**
29 **certification status of the person, who qualifies under any of the indicators listed in section**
30 **168.749 is eligible for the teacher choice compensation package. Teachers who are**
31 **employed less than full-time are eligible for teacher choice stipends on a pro-rated basis.**
32 **Any teacher who is dismissed for cause who has otherwise qualified for a teacher choice**
33 **stipend shall forfeit the stipend for that year.**

168.749. 1. Beginning with school year 2003-2004, teachers who elect to participate
2 **in the teacher choice compensation package shall be eligible for stipends based on the**
3 **following criteria:**

4 **(1) Score on a value-added test instrument or instruments. Such instruments shall**
5 **be defined as those which give a reliable measurement of the skills and knowledge**
6 **transferred to students during the time they are in a teacher's classroom and shall be**
7 **selected by the school district from one or more of the following assessments:**

8 **(a) A list of recognized value-added instruments developed by the department of**
9 **elementary and secondary education.**

10 **(b) Scores on the statewide assessments established pursuant to section 160.518,**
11 **RSMo, may be used for this purpose, and the department of elementary and secondary**
12 **education shall develop a procedure for identifying the value added by teachers that**
13 **addresses the fact that not all subjects are tested at all grade levels each year under the**
14 **state assessment program.**

15 **(c) Scores on annual tests required by the federal Elementary and Secondary**
16 **Education Act reauthorization of 2002 for third through eighth grade may be used as**
17 **value-added instruments if found appropriate after consideration and approval by the**
18 **state board of education.**

19 **(d) A district may choose an instrument after a public hearing of the district board**
20 **of education on the matter, with the reasons for the selection entered upon the minutes of**
21 **the meeting; provided, however, that this option shall not be available to districts after**
22 **scores are established for paragraphs (a), (b), and (c) of this subdivision;**

23 (2) Evaluations by principals or other administrators with expertise to evaluate
24 classroom performance;

25 (3) Evaluations by parents and by students at their appropriate developmental
26 level. Model instruments for these evaluations shall be developed or identified by the
27 department of elementary and secondary education. Districts may use such models, may
28 use other existing models, may develop their own instruments, or may use a combination
29 thereof.

30 2. The department of elementary and secondary education shall develop criteria
31 for determining eligibility for stipend increments, including a range of target scores on
32 assessments for use by the districts. The test-score options listed in subdivision (1) of
33 subsection 1 of this section shall be given higher weight than the evaluation options listed
34 in subdivisions (2) and (3) of subsection 1 of this section. The decision of individual
35 districts about the qualifications for each increment based on the evaluations listed in
36 subdivisions (2) and (3) of subsection 1 of this section and for value-added instruments for
37 which target scores have not been developed by the department of elementary and
38 secondary education may address the district's unique characteristics but shall require
39 demonstrably superior performance on the part of the teacher, based primarily on
40 improved student achievement while taking into account classroom demographics
41 including but not limited to students' abilities, special needs, and class size.

 168.750. No rule or portion of a rule promulgated pursuant to the authority of this
2 section shall become effective unless it has been promulgated pursuant to chapter 536,
3 RSMo.

 313.820. 1. An excursion boat licensee shall pay to the commission an admission fee
2 of [two] **three** dollars for each person embarking on an excursion gambling boat with a ticket
3 of admission. One dollar of such fee shall be deposited to the credit of the gaming commission
4 fund as authorized pursuant to section 313.835, and one dollar of such fee shall not be considered
5 state funds and shall be paid to the home dock city or county. **One dollar of such fee shall be**
6 **deposited in the teacher choice compensation fund created by section 168.747, RSMo.**
7 Subject to appropriation, one cent of such fee deposited to the credit of the gaming commission
8 fund may be deposited to the credit of the compulsive gamblers fund created pursuant to the
9 provisions of section 313.842. Nothing in this section shall preclude any licensee from charging
10 any amount deemed necessary for a ticket of admission to any person embarking on an excursion
11 gambling boat. If tickets are issued which are good for more than one excursion, the admission
12 fee shall be paid to the commission for each person using the ticket on each excursion that the
13 ticket is used. If free passes or complimentary admission tickets are issued, the excursion boat
14 licensee shall pay to the commission the same fee upon these passes or complimentary tickets

15 as if they were sold at the regular and usual admission rate; however, the excursion boat licensee
16 may issue fee-free passes to actual and necessary officials and employees of the licensee or other
17 persons actually working on the excursion gambling boat. The issuance of fee-free passes is
18 subject to the rules of the commission, and a list of all persons to whom the fee-free passes are
19 issued shall be filed with the commission.

20 2. All licensees are subject to all income taxes, sales taxes, earnings taxes, use taxes,
21 property taxes or any other tax or fee now or hereafter lawfully levied by any political
22 subdivision; however, no other license tax, permit tax, occupation tax, excursion fee, or taxes
23 or fees shall be imposed, levied or assessed exclusively upon licensees by a political subdivision.
24 All state taxes not connected directly to gambling games shall be collected by the department of
25 revenue. Notwithstanding the provisions of section 32.057, RSMo, to the contrary, the
26 department of revenue may furnish and the commission may receive tax information to
27 determine if applicants or licensees are complying with the tax laws of this state; however, any
28 tax information acquired by the commission shall not become public record and shall be used
29 exclusively for commission business.